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March 17, 2025

VIA ECF

The Honorable Miroslav Lovric  
United States Magistrate Judge  
United States Courthouse  
15 Henry Street  
Binghamton, New York 13901

Re: *Min v. State University of New York at Albany, et al.*  
1:23-CV-1201 (TJM/ML)

Dear Judge Lovric:

We represent Plaintiff Qilong Min. I am writing to Your Honor with reluctance, and following extensive communications with and the consent of counsel for Defendant State University of New York at Albany, to request that the Court grant us sixty additional days in which to complete discovery. Both the Defendant and we are mindful of the Court's admonitions concerning the current schedule, and we are sorry for the need to make this request. Both parties' view is that sufficient grounds exist to grant it, despite a number of previous extensions that the Court kindly has accorded us. These grounds are as follows:

This is a relatively complicated employment case with an extensive procedural history. Our client, Qilong Min, was an active professor at SUNY Albany until the University commenced termination proceedings, culminating in a lengthy arbitration proceeding that was resolved in the University's favor. A related, negotiated resolution was reached late last year between the United States Department of Justice and the Research Foundation of the State University of New York ("RFSUNY"), culminating in a press release issued by the Department of Justice. We initially believed that this settlement was reached in a sealed False Claims Act case, but in fact it appears no complaint ever was filed. One of the goals of discovery will be to elicit information about this related dispute between RFSUNY and the government. In addition, a significant number of SUNY Albany faculty and administrative staff were directly and substantively involved in the investigation and termination proceedings against Dr. Min. Scheduling these depositions, as well as Dr. Min's deposition, has been a challenge, despite diligent effort by both parties. We have designated

two expert witnesses for the Plaintiff, and the Defendant anticipates designating experts as well, all of whom will need to be deposed.

These extensive efforts by both parties are complicated by a number of other circumstances. Until about ten days ago, much of the work on this case on the Plaintiff's side was being performed by a young lawyer, Natalie Nehls, who has just left our firm for a law firm in Austin, Texas. This leaves our firm with four lawyers, including myself. One of them, my partner Jon Greenbaum, is fully engaged in his own cases and is not available to work on this one. My younger partner Marc Eisenstein will be working on this case, but he also has a heavy load of criminal cases. The third lawyer, Sarah Schwietz, is seven months pregnant. In addition, Ms. Schwietz and I will, tomorrow (March 18, 2025) commence a criminal jury trial in the United States District Court for the Southern District of New York, *United States v. Nadine Menendez*, Case Number 23-490. This is a complicated case in which the Defendant is the spouse and codefendant of former Senator Robert Menendez, who recently was convicted and sentenced on multiple counts in the same indictment. The Nadine Menendez trial is anticipated to last at least two months. We believe it will be longer. After approximately one month, Ms. Schweitz' medical condition will be such that she can no longer continue in trial with me. The above-referenced Mr. Eisenstein then will substitute for her as co-counsel in the Menendez trial, which will consume still more of his limited available time.

Again, we apologize for these circumstances. We did not anticipate losing Ms. Nehls. It is very respectfully submitted that these circumstances warrant one further extension of time of sixty days in which to complete discovery. This would, we request, encompass an equivalent extension of time of the deadlines in this case that are dependent upon the discovery cutoff date, including SUNY's deadline to designate its expert witnesses. We are grateful for the Court's consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barry Coburn", with a stylized, cursive script.

Barry Coburn